

United States District Court
Central District of California

JESUS VARGAS.

Plaintiff,

v.

THE BOEING COMPANY et al.,

Defendants.

Case № 2:25-cv-04288-ODW (PVCx)

**ORDER DENYING MOTION TO
DISMISS AS MOOT [15]**

///

///

///

///

///

///

///

///

///

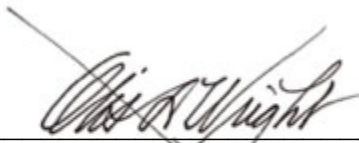
///

///

1 On June 3, 2025, Defendant The Boeing Company served Plaintiff Jesus Vargas
2 with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss the First Amended
3 Complaint in this case. (ECF No. 15.) On June 16, 2025, pursuant to the stipulation
4 of the parties and the Court's leave, Plaintiff filed a Second Amended Complaint.
5 (ECF No. 19.) Federal Rule of Civil Procedure 15(a)(2) allows plaintiffs to file an
6 amended complaint with the opposing party's written consent or the court's leave.
7 Therefore, Plaintiff's Second Amended Complaint was proper. As the pending
8 motion to dismiss is based on a pleading that is no longer operative, the motion is
9 **DENIED** as **MOOT**. (ECF No. 15); *see Ramirez v. County of San Bernardino*,
10 806 F.3d 1002, 1008 (9th Cir. 2015).

11
12 **IT IS SO ORDERED.**

13
14 June 17, 2025

15
16 

17 **OTIS D. WRIGHT, II**
18 **UNITED STATES DISTRICT JUDGE**
19
20
21
22
23
24
25
26
27
28